

**MINUTES
of the
FOURTH MEETING
of the
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**September 16-17, 2013
New Mexico State University - Pan American Center (Barbara Hubbard Room)
and
J. Paul Taylor Center
Las Cruces**

The fourth meeting of the Courts, Corrections and Justice Committee was called to order by Senator Richard C. Martinez, co-chair, on September 16, 2013 at 9:45 a.m. in the Barbara Hubbard Room of the Pan American Center at New Mexico State University (NMSU).

Present

Rep. Gail Chasey, Co-Chair
Sen. Richard C. Martinez, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Yvette Herrell
Sen. Linda M. Lopez (9/16)
Rep. Georgene Louis
Sen. Cisco McSorley
Rep. Jane E. Powdrell-Culbert
Rep. William "Bill" R. Rehm
Sen. Sander Rue (9/16)
Rep. Mimi Stewart

Advisory Members

Rep. Phillip M. Archuleta (9/16)
Rep. Kelly K. Fajardo (9/16)
Rep. Antonio "Moe" Maestas
Sen. Bill B. O'Neill
Sen. John Pinto
Rep. Patricia Roybal Caballero (9/16)
Rep. Sheryl Williams Stapleton

Guest Legislators

Sen. Mary Kay Papen (9/17)
Rep. Debbie A. Rodella (9/16)

Absent

Sen. Joseph Cervantes
Rep. Zachary J. Cook
Rep. Emily Kane
Sen. Lisa A. Torracco

Sen. Craig W. Brandt
Rep. Cathrynn N. Brown
Sen. Jacob R. Candelaria
Rep. Brian F. Egolf, Jr.
Rep. Miguel P. Garcia
Sen. Daniel A. Ivey-Soto
Rep. Paul A. Pacheco
Sen. William H. Payne
Sen. Michael S. Sanchez

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Douglas Carver, Staff Attorney, Legislative Council Service (LCS)

Cassandra Jones, Researcher, LCS

Jennifer Dana, Legislative Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Monday, September 16**Introductions**

Members of the committee and staff introduced themselves.

Welcome by NMSU President

Garrey E. Carruthers, president of NMSU and former governor of New Mexico, welcomed the committee. He discussed the positive atmosphere at NMSU and highlighted advances that NMSU is making in engineering and health. He told the committee that vetoed legislation in the 2013 legislative session would have appropriated funding for an endowment fund at NMSU. He requested that the legislature pass this same legislation again in the upcoming session. Governor Carruthers told the committee that NMSU wants to develop programs that will be beneficial to the state, including public health programs in each county so that even rural counties have access to good information.

Governor Carruthers told the committee that NMSU is attempting to meet the needs of the state by offering more certificates, more science, technology, engineering, math and health programs and more research. He expressed appreciation for money the state allocates to NMSU. Governor Carruthers told the committee that NMSU has begun working to come up with a simpler funding formula for higher education and told committee members that he will contact them in the future to discuss potential policy options.

Members of the committee asked questions about and discussed tuition for students that live out of state but less than 135 miles from NMSU; reciprocity with out-of-state schools; entrepreneurship incentives at NMSU; NMSU's relationship with the national laboratories; the higher education funding formula; and programs offered at NMSU.

Progress of the Public Defender Commission

Michael Stout, chair of the Public Defender Commission, presented a list of Public Defender Commission members to the committee. The commission is composed of 11

members: five from Albuquerque, three from Las Cruces, one from Santa Fe, one from Carlsbad and one from Portales. Mr. Stout reviewed for committee members the legislative acts that led to the formation of the commission and provided the committee with the commission's governing statute. The commission had its first meeting on August 6, 2013, during which the fiscal year 2015 budget proposal was approved and the goals of the commission were discussed. The commission also has begun a search for the chief public defender. Statute requires that the chief public defender be appointed by October 15, 2013.

Mr. Stout also discussed a survey that was offered to every employee of the Public Defender Department. The commission received 265 responses, a response rate of approximately 60%. Mr. Stout discussed rates that are paid to contract counsel for the Public Defender Department and emphasized that the rates are quite low.

Members of the committee asked questions about and discussed services provided by contract counsel; conflicts of interest; how the members of the commission are selected; plea negotiations; the Public Defender Department's budget; and the search for a chief public defender.

Approval of Minutes

Upon a motion made by Senator McSorley and seconded by Representative Alcon, the minutes of the August 2013 meeting of the committee were approved.

Southwest Region National Child Protection Training Center, NMSU

Shelly A. Bucher, L.M.S.W., programs operations director of the Southwest Region National Child Protection Training Center, told the committee that any act of commission or omission by a parent or other caregiver that results in harm, potential for harm or threat of harm to a child is considered to be child maltreatment. Acts of commission are defined as acts that are deliberate and intentional, regardless of whether harm to the child is the intended consequence of the act. Acts of omission are defined as failure to provide for a child's basic needs, even if harm to the child is not the intended consequence. Child maltreatment affects a child's brain architecture, mental health, health risk behaviors, social functioning and life expectancy. More specifically, it can lead to smaller brains, learning disorders, juvenile delinquency, adult crimes, suicides, sexually transmitted diseases and alcohol and drug abuse. Ms. Bucher told the committee that child maltreatment has long-term effects and can affect adult health. Child maltreatment is significantly associated with most adult crime outcomes. Childhood and adolescent maltreatment victims have higher rates of overall delinquency. Ms. Bucher shared some statistics regarding child maltreatment and child fatalities in New Mexico but emphasized that reports do not reflect the number of children experiencing maltreatment. Ms. Bucher told the committee that it is estimated that one in five children experiences some form of maltreatment. Ms. Bucher told the committee that the number of child maltreatment cases in New Mexico in 2011 could fill each seat in the Pan American Center at NMSU twice over and there would still be an additional 2,700 cases. Ms. Bucher told the committee that New Mexico KIDS COUNT ranked New Mexico as fiftieth in terms of child welfare. Factors of the ranking

include economic well-being, education, health and family. Ms. Bucher discussed some of the costs associated with child maltreatment. Costs include short- and long-term health care needs, special education, productivity losses and child welfare and criminal justice costs. These costs combined to create a \$124 billion lifetime economic burden for reported child maltreatment in 2008.

Ms. Bucher told the committee that the Southwest Region National Child Protection Training Center at NMSU supports West Texas, New Mexico, Arizona and Southern California. The mission of the center is to end child abuse, neglect and other forms of child maltreatment in three generations through education, training, awareness, prevention, advocacy and the pursuit of justice. Additional benefits of the center include its ability to develop models for how to interact on a collaborative enterprise, its specialized work force, its influence on practices to create standards of excellence in reducing child maltreatment and its influence on economic growth and community development. Ms. Bucher told the committee that students at the center have been very supportive and appreciative of the resources the center has to offer. Ms. Bucher told the committee that the center strives to be a trauma-informed system to promote child and family resilience factors, to understand the impact of past and current child and adult traumatic stress and to institute system responses in order to mitigate impact. Types of prevention include primary, secondary and tertiary. Primary prevention focuses on programs for the general population that try to prevent abuse before it occurs, including media campaigns, parent education and family support. Secondary prevention involves programs for families with risk factors for abuse, such as poverty or young parental age. Tertiary prevention focuses on programs for families in which child maltreatment has already occurred, with the goal of preventing reoccurrence.

Ms. Bucher discussed the importance of early primary prevention. Efforts in early childhood abuse prevention are an important link in comprehensive efforts to reduce juvenile crime. Early family support and educational interventions affect multiple risk factors for delinquency. Prevention is more effective and less costly than treatment. Investing in prevention yields a 19:1 ratio of savings in long-term costs. Education and awareness should be, and are, taking place in high school, higher education institutions, media campaigns and community outreach. Community outreach includes efforts to create communities where there are many services and supports for parents and where neighbors share a belief in the collective responsibility to protect children. Community outreach also includes family resource centers, community mental health and wellness clinics and prevention programs. Outreach focuses on strengthening families with parenting classes and support groups.

The center provides a modern training complex, complete with interview rooms with two-way mirrors, mock homes with cameras, webinar rooms, mock courtrooms and a control center for observation. A law enforcement video series includes videos regarding ensuring child safety upon parental arrest, ensuring child safety in abuse and neglect referrals and ensuring child safety by minimizing trauma. The center also provides online learning for educators and training for the investigation and prosecution of child abuse and neglect cases. A recent training for

investigation and prosecution of child abuse cases had more than 100 attendees, including law enforcement personnel, district attorneys, attorneys and Children, Youth and Families Department (CYFD) investigators. Topics of the training included investigation, interviewing, interrogating, cross-examination, testifying, assessing and allegations. Attendees of the training reported that 100% of the information provided would be useful in their positions and would improve their job performance. Attendees also provided recommendations for additional training. In collaboration with the Western Regional Children's Advocacy Center serving 13 states, a multistate study was conducted to assess professional development needs of child protection professionals. A specific survey also addressed Native American needs.

Ms. Bucher told the committee that the center strives to be a facilitator of change. It recognizes the shared responsibility of private and public leaders and strives to build a continuum of trauma-informed care and training centers. It promotes collaboration and multidisciplinary teams and coordinates policies, programs and resources in order to ensure sustainability of systems that provide care and training.

Members of the committee discussed and asked questions about training with cultural sensitivities; collaboration between the center and appropriate state agencies; cultural competency; outreach; funding for preventive programs; steps to prevent child abuse; center-provided training; the link between poverty and child maltreatment; and the allocation of scarce resources.

Results First and Child Welfare in New Mexico

Jack Tweedie from the National Conference of State Legislatures presented statistics to the committee. The entry rate is calculated from the number of children entering care during the year for every 1,000 children in the general population. Entry rates in New Mexico were 3.3, the same as the national average. Kinship care is determined based on what percentage of all children in care on the last day of the fiscal year are living with a relative. In New Mexico in 2011, 17% of children were in kinship care. The national average in 2011 was 27%. In 2011, 5% of children were in congregate care settings. The national average was 14%. Of the children in care in New Mexico who remained in care at least eight days, only 29% were reunified within 12 months. The national average was 40%. Of all the children reunified, 11% of New Mexico children reentered care within 12 months. The national average was 12%. Of all children in care at least two years, 32% of New Mexico children achieved permanency within the following year. The national average is 41%. Of all children who were victims of substantiated or indicated abuse or neglect during the first six months of the reporting year, 90% of New Mexico children did not experience another incident of substantiated or indicated abuse or neglect within a six-month period.

Mr. Tweedie told the committee that states receive federal dollars for child welfare activities from a variety of sources. States spent \$29.4 billion in federal, state and local funds for child welfare purposes in state fiscal year 2010. This number consists of \$13 billion in federal funds, \$12.5 billion in state funds and \$3.3 billion in local dollars. New Mexico's spending was

71% federally funded and 29% state funded. The national average is 46% federally funded, 43% state funded and 12% locally funded. Mr. Tweedie noted that the national average includes 22% of federal funding from Temporary Assistance for Needy Families (TANF) funds, while New Mexico does not receive any TANF funding for this purpose. Mr. Tweedie told the committee that a child welfare waiver demonstration project can enable a state to use federal Title IV-E funds outside of the foster care cost restrictions. The federal Department of Health and Human Services (HHS) may approve up to 10 projects per year in federal fiscal years 2012 through 2014. An approved project must be designed to accomplish one or more of the following goals: increasing permanency for all infants, children and youths by reducing the time in foster placements when possible and promoting a successful transition to adulthood for older youths; increasing positive outcomes of infants, children, youths and families in their homes and communities, including tribal communities, and improving safety and well-being; and preventing child abuse and neglect and the reentry of infants, children and youths into foster care. Waivers allow state and tribal child welfare agencies to design and demonstrate a wide range of approaches for improving safety, permanency and well-being outcomes for children. The HHS will give priority to projects that focus on positive well-being outcomes for children, youths and their families, especially those who have experienced trauma related to maltreatment; the social and emotional well-being of children and youths who are available for adoption, as well as those who have been adopted; project design that yields "more than modest improvements" in the lives of children and families and contributes to the evidence about what works to improve child and family outcomes; and leveraging the involvement of other resources and partners. Mr. Tweedie discussed approved states and implementation zones, including Hawaii, New York and Wisconsin. Mr. Tweedie told the committee that most applicants are focusing on children and youths who are in out-of-home care or at risk of out-of-home placement. Three states are targeting children below the age of five. Some states also intend to further target less restrictive placements for older youths and reduce the over-reliance on congregate care.

Mr. Tweedie discussed different rating criteria for programs, including evidence support. Mr. Tweedie also discussed specific programs such as the multi-systemic therapy for child abuse and neglect. He described state-specific programs, such as Connecticut's Results-Based Accountability program, differential response programs in many states and Jacob's Law in West Virginia.

Members of the committee asked questions about and discussed training for foster parents in New Mexico; uses for TANF money; why New Mexico does not receive TANF money; and various child welfare programs.

Charles Sallee, deputy director of the Legislative Finance Committee (LFC), told the committee that New Mexico Results First is a new tool for supporting evidence-based policymaking and budgeting. The LFC has partnered with the Pew-MacArthur Results First Initiative. New Mexico Results First can assess costs and benefits using the best available research and New Mexico-specific data. Mr. Sallee told the committee that the child welfare continuum includes prevention, intervention, foster care and reunification or adoption. In New

Mexico, there are 6,200 reported child maltreatment victims, approximately one-half of whom are under the age of five. Child abuse and neglect are linked to adverse outcomes such as crime, poor education outcomes, substance abuse, special education and depression. Mr. Sallee discussed the tangible costs of a case of child abuse or neglect resulting in adoption in New Mexico, approximately \$107,000, and provided a breakdown of these costs, including investigation, juvenile court determination, police and out-of-home placement. Mr. Sallee told the committee that New Mexico Results First can be used to improve outcomes by using cost-benefit analysis to decrease child maltreatment, decrease foster care placement, increase permanency and increase child safety. New Mexico is working with the CYFD to update and refine the estimated costs of child maltreatment and the inventory program information; assess cost and performance data of evidence-based programs that are being used; and prioritize investments. New Mexico Results First has shown that programs that work include home visiting; parent education; early childhood centers; alternative response; family prevention; intensive case management; guardianships; and federal Title IV-E waivers. Mr. Sallee discussed the details of some programs. Parents as Teachers is a home visiting program for parents and children, with a main goal of having children ready to learn by the time they begin school. There is an estimated 52% chance of a positive return on investments for this program. Nurse-Family Partnership of New Mexico provides intensive visitation by nurses during a woman's pregnancy and the first two years after birth. There is an 87% chance of a positive return on investments with this program, with a benefit-to-cost ratio of \$5.33:1. Alternative response has a 99.9% chance of a positive return on investment in New Mexico and an estimated benefit-to-cost ratio of \$9.22:1. The Positive Parenting program aims to increase the skills of parents and has a 99% chance of a positive return on investment, with an estimated benefit to cost ratio of \$6.33:1. Mr. Sallee told the committee that the state should focus on financing front-end services that are proven to work. He told the committee that reductions in out-of-home placements would free up resources for reinvestment. Mr. Sallee told the committee that the next steps include developing a consumer report on child welfare programs and working with the CYFD to answer important questions about child welfare programming in New Mexico. Mr. Sallee told the committee that the state spends significant resources on child welfare, but questioned whether funding is appropriately targeted. He stressed the importance of monitoring program performance and improving programming if necessary.

Members of the committee discussed and asked questions about kinship care in New Mexico; child welfare investments in New Mexico; home visiting programs and their benefits; community-based programs; foster homes; and various other programs.

Update from the CYFD

Yolanda Berumen-Deines, secretary of children, youth and families, told the committee that at the start of fiscal year 2013, Juvenile Justice Services (JUST) was reorganized by reuniting all juvenile justice-related program areas under a single and cohesive Juvenile Justice Division. Jennifer Padgett, deputy secretary, CYFD, told the committee that in 2005, juvenile justice management, legislators and union employees all visited Juvenile Justice Facilities in Missouri to study their model for the rehabilitation of youths in their system. The Missouri

model focuses on two main concepts: the establishment of smaller, regional facilities; and reducing unit sizes to no more than 10 to 12 youths per unit. Based on what was learned, New Mexico's justice system implemented a change from a correctional philosophy to a rehabilitation philosophy in late 2006. The Missouri model was adapted to meet the needs of the CYFD through a contract with the Missouri Youth Services Institute (MYSI), and Cambiar New Mexico was established. In 2008, training began at the J. Paul Taylor Center (JPTC) in Las Cruces. The facility population was reduced from 48 to 36 clients. While individual units began their intensive four-week training, the vacant unit was renovated to make it more like a home. MYSI staff provided coaches and mentors in each unit to reinforce the concepts learned in training. Training at the JPTC was completed in early 2009. Ms. Padgett told the committee that goals of Cambiar New Mexico include creating smaller, safer and more nurturing living units; implementing youth-centered unit management; developing individualized service plans; staffing facilities with youth care specialists who receive training that provides them with clinical and therapeutic skill sets; and providing rich programming, including education, vocational training, behavioral health and medical and other services. Cambiar New Mexico extends services beyond CYFD facilities. In 2009, the legislature supported and passed many changes to the Delinquency Act of the Children's Code; created the Juvenile Public Safety Advisory Board; and replaced the Juvenile Parole Board with the Supervised Release Panel. The Supervised Release Panel is chaired by the JUST director and is composed of facility superintendents and others. This was an integral part of implementing the Cambiar model, which relies on the staff and management working with each youth to know when that youth is ready for release, and then giving staff and management the actual authority to release that youth.

Secretary Berumen-Deines told the committee that the Lincoln Pines Youth Center is on target for its autumn opening and showed the committee some pictures of the facility. The Albuquerque Reintegration Center has been converted into an all-female reintegration center. The CYFD has seen an increase in the number of clients who are earning high school diplomas or general equivalency diplomas. The secretary shared some statistics with the committee. For fiscal year 2013, 92.1% of clients completed a formal probation, 5.8% of clients were re-adjudicated within two years of previous adjudication, 9% of clients were recommitted to a CYFD facility within two years of discharge from facilities; and there were 249 physical assaults in juvenile justice facilities.

Members of the committee discussed and asked questions about the success of the Cambiar model; various performance measures and metrics; recidivism rates; the JPTC; the goals of Cambiar; reintegration centers; CYFD employee training; various youth facilities; tracking of youths that end up in the corrections system; services to CYFD clients; the CYFD's five-year master plan; incarceration terms for juvenile offenders; and CYFD case workers. Members of the committee requested that the CYFD research how other states track juvenile offenders that move into the adult system and that the CYFD present some best practices at a later date.

Recess

The committee recessed at 5:59 p.m.

Tuesday, September 17

Presentation on and Tour of the JPTC

Committee members and staff toured the JPTC and were given a presentation on the Cambiar model and how it works at the facility.

Adjournment

There being no further business before the committee, the fourth meeting of the Courts, Corrections and Justice Committee for the 2013 interim adjourned at 12:30 p.m.